



*Minutes of the Ordinary Meeting of Council
2 May 2006
Commencing at 10:30 am*

PRESENT

Councillors – M P Berwick (Mayor), D P Egan (Deputy Mayor), W J Bellerio, M Cox, R Davis, D G Pitt and J Sciacca

Staff – T C Melchert (Chief Executive Officer), D G Carey (General Manager Community & Corporate), I B Barton (General Manager Finance & Administration), R J Baade (General Manager Engineering), P Trotman (General Manager Development & Environment), P T Gleeson (Manager Planning) and Ms M L Paterson (Administration Officer)

06/0205/01 CONDOLENCES

There were no condolences.

WITHDRAWAL

Cr Egan withdrew from the meeting at 10:36 am.

06/0205/02 MINUTES

Moved Cr Cox

Seconded Cr Berwick

“That the minutes of the Ordinary Council Meeting held on 18 April 2006 be confirmed subject to the following amendments:

page 7: 06/1804/12 – Cr Sciacca tabled the attachment, not Cr Cox;

page 15: 06/1804/35 – no seconder recorded – insert “Cr Pitt”;

page 17: 06/1804/42 – no seconder recorded – insert “Cr Bellerio”.”

Carried unanimously

Cr Cox expressed concerns re the legality of motion 06/1804/38 (page 16), however the minute stands as a correct record of the meeting. The Chief Executive Officer advised that any component of a resolution, which may be found to be ultra vires, could not be actioned.

RE-ATTENDANCE

Cr Egan re-attended the meeting.



COMMUNITY & CORPORATE

06/0205/03 DETAILS OF THE USE OF THE COUNCIL SEAL

Moved Cr Egan

Seconded Cr Cox

“That Council adopt the recommendation and receive the report providing details of the use of the council seal and endorse the actions of the Chief Executive Officer and Mayor in executing on its behalf, under seal, the documents detailed therein.”

Carried unanimously

DEVELOPMENT & ENVIRONMENT

06/0205/04 PDPV 020/06 – LOT 1 ON SP 150461, PARISH OF SALISBURY

Moved Cr Pitt

Seconded Cr Sciacca

“That Council adopt the recommendation and approve the application for a Permit to Damage Protected Vegetation 020/06 on land described as Lot 1 SP 150461, Parish of Salisbury be approved subject to the conditions as recommended by the Environmental Officer in his report.”

Carried unanimously

06/0205/05 MCU 3B 004/06 – LOT 1 ON SP 150461, PARISH OF SALISBURY

Moved Cr Davis

Seconded Cr Bellerio

“That Council adopt the recommendation and approve the application for a Material Change of Use of Premises MCU 3B 002/06 on land described as Lot 1 on SP 150461, Parish of Salisbury, and situated at 55 – 61 Macrossan Street, Port Douglas, subject to the conditions recommended by the Assistant Planning Officer in her report, except that the landscaping provisions are to be amended to allow the inclusion of poincianas and coconuts in the landscaping plan. Further:

- (a) a parking plan is to be devised as part of the Environmental Management Plan;*
- (b) a road damage/infrastructure requirement is to be included in the conditions;*
- (c) an access route is to be identified in consultation with the developer, General Manager and the divisional councillors;*
- (d) hoarding requirements are to be specified.”*

For: Crs Davis, Bellerio, Egan, Pitt, Sciacca

Against: Crs Berwick, Cox

Carried



06/0205/06 MCU 3B 040/05 – LOT 7 ON RP 740233, PARISH OF VICTORY

Moved Cr Sciacca

Seconded Cr Bellerio

06/0205/06 (i) *"That Council approve the reduction in car-parking from fourteen (14) spaces to seven (7) spaces on land described as Lot 7 on RP740233, more particularly 57 Pringle Street, Mossman."*

06/0205/06 (ii) *"That Council refuse the applicant's request to reduce the amount of landscaping required for the site and that the condition be redefined to clearly indicate the landscaping area for Lot 7 on RP740233, more particularly 57 Pringle Street, Mossman."*

Carried unanimously

06/0205/07 SUB 005/06 – LOTS 1 – 18 ON SP 126552 & LOT 312 ON PTD 2094, PARISH OF SALISBURY

Moved Cr Sciacca

Seconded Cr Bellerio

"That Council adopt the recommendation and approve the application for a Reconfiguration of a Lot (Boundary Realignment) SUB 005/06 of Lots 1-18 on SP 126552 & Lot 312 on PTD2094, Parish of Salisbury, more particularly 41-45 Murphy Street, Port Douglas, subject to the conditions recommended by the Assistant Planning Officer in her report."

For: Crs Sciacca, Bellerio, Berwick, Egan, Davis, Pitt
Cr Cox abstained and was counted in the negative

Carried

06/0205/08 TPC 1185 – LOT 112 ON PTD 2091, PARISH OF SALISBURY

Moved Cr Bellerio

Seconded Cr Pitt

"That Council adopt the recommendation and approve application TPC 1185 for minor amendments as per drawings A001, A002, A003 & A004 prepared by PAD Architects and dated February 2006 for three (3) Multiple Dwelling Units on land described as Lot 112 on PTD 2091, Parish of Salisbury, County of Solander, more particularly 25 Murphy Street, Port Douglas."

Carried unanimously



06/0205/09 TPC 1240 – LOT 1 ON RP 706628, PARISH OF SALISBURY

Moved Cr Davis

Seconded Cr Cox

"That Council adopt the recommendation and approve the application for a Material Change of Use Development Permit TPC 1240 to permit the development of a Wholesale Nursery on land described as Lot 1 on RP706628 and situated at the corner of McClelland Road and Captain Cook Highway subject to the conditions recommended by the Planning Officer in her report. Additionally, a note is to be included in the conditions reiterating that the approval is strictly for a wholesale outlet."

Carried unanimously

DECLARATION OF INTEREST

The Chief Executive Officer declared a material personal interest in the following matters and withdrew from the meeting.

06/0205/10 TPC 1248 – LOTS 2 & 3 ON SP 178691, PARISH OF SALISBURY

Moved Cr Sciacca

Seconded Cr Bellerio

06/0205/10 (i) *"That Council adopt the recommendation and approve the application for a Material Change of Use Development Permit TPC 1248 for the construction of a Shop (Retail Trade Counter) on land described as Lots 2 & 3 on SP 178691 located at 9 – 11 Teamsters Close, Craiglie, subject to the conditions recommended by the Assistant Planning Officer in her report."*

06/0205/10(ii) *"That no signage for the proposed development is permitted to be internally lit."*

Carried unanimously

Moved Cr Davis

Seconded Cr Berwick

06/0205/10 (iii) *"That the Manager Planning review the need for Bulky Goods Retail in Craiglie as part of the Planning Scheme review."*

Carried unanimously

RE-ATTENDANCE

The Chief Executive Officer re-attended the meeting.



WITHDRAWAL

The Manager Planning, Paul Gleeson, withdrew from the meeting at 11:57 am.

06/0205/11 PORT DOUGLAS PANTRY UMBRELLA

Moved Cr Pitt

Seconded Cr Bellerio

"That Council adopt the recommendation and agree to the lodgement of the application and subsequent approval for a maximum period of 5 years, subject to:

- (a) the applicant maintaining public liability insurance over the structure and naming Council as an insured party; and*
- (b) the owner of the establishment being required to collapse the umbrella when a cyclone warning is issued."*

Carried unanimously

WITHDRAWAL

The General Manager Development & Engineering, Paul Trotman, withdrew from the meeting at 11:58 am.

ENGINEERING

06/0205/12 MCDOWALL LANE ROCK REVETMENT WALL

Moved Cr Berwick

Seconded Cr Davis

"That Council not appeal the decision but seek agreement from EPA that:

- (a) the rocks be allowed to stay on the basis that revegetation will be carried out over and within the rock;*
- (b) enforcement of zero boat wash;*
- (c) a briefing justifying this position be provided to EPA."*

Carried unanimously



FINANCE & ADMINISTRATION

06/0205/13 VARIETY CLUB

Moved Cr Sciacca

Seconded Cr Egan

"That Council adopt the recommendation and provide a donation of \$200."

Carried unanimously

06/0205/14 WONGA BEACH STATE SCHOOL PC

Moved Cr Sciacca

Seconded Cr Egan

"That Council adopt the recommendation and consider the request as part of the 2006/07 budget deliberation process."

Carried unanimously

06/0205/15 BUDGET MEETING DATES

Moved Cr Berwick

Seconded Cr Egan

"That Council approve Monday 22 May 2006, day or evening according to the scheduling of the Waterfront Meeting, for budget deliberations. Also Wednesday 14 June commencing at 9:30 am."

Carried unanimously

06/0205/16 DOUGLAS SHIRE BRANCH QLD CANCER FUND RELAY FOR LIFE 2006

Moved Cr Cox

Seconded Cr Sciacca

"That Council adopt the recommendation and provide a donation of \$200."

Carried unanimously

06/0205/17 FLANAGAN'S RELAY FOR LIFE 2006

Moved Cr Pitt

Seconded Cr Bellerio

"That Council adopt the recommendation and not make a donation to the Cairns Team, rather provide funding to the local Douglas Shire Cancer relay team being represented at the event."

Carried unanimously



PRESENTATION

Ms Mollie Whitehorn of Ergon Energy attended the meeting at 1:15 pm to give a presentation regarding the "Plant Smart Programme".

ADJOURNMENT

Cr Berwick thanked Ms Whitehorn for her attendance and presentation. The meeting then adjourned for lunch.

RESUMPTION

The meeting resumed at 1:33 pm.

SUSPENSION OF STANDING ORDERS

Moved: Cr Cox

Seconded: Cr Berwick

06/0205/17a *"That standing orders be suspended to deal with emergent issues."*

Carried unanimously

06/0205/17b INNISFAIL DONATION

Moved: Cr Berwick

Seconded: Cr Sciacca

"That Council make a \$100,000 donation to appropriate Cyclone Larry appeal(s), \$40,000 to come from Council reserves, \$40,000 to come from general funds either this financial year or 2006/07 financial year, and \$20,000 to be reallocated from tsunami funds. The General Manager Finance & Administration to report on arrangements for payment."

Carried unanimously

MEETING WITH DIRECTOR-GENERAL

The Mayor informed Council regarding the recent meeting between himself, Deputy Mayor Dave Egan and the Director General of Local Government Collaboration.

06/0205/17c MINISTER'S LETTER RE EXTENSION OF TRANSITIONAL PLANNING SCHEME

Moved: Cr Sciacca

Seconded: Cr Bellerio

"That the minister be invited to speak to Council regarding the planning scheme under the Integrated Planning Act and the funding by the State of the Alternative Planning Strategy, prior to 30 June 2006."

Carried unanimously



ATTENDANCE

Manager Planning attended the meeting at 2:10 pm.

06/0205/17d NURSING HOME

The General Manager Community & Corporate advised as follows:

In relation to ongoing negotiations with Vitality Care Commissioning Pty Ltd (VCC), Council has made its position clear on three critical issues in particular:

- ◆ DSC requires the aged care facility to contain 40 high care places;
- ◆ DSC requires VCC to provide the requested due diligence information;
- ◆ DSC requires the right to be able to buy the land back from the VCC if VCC fails to build the aged care facility.

Any contract between the company and the Council shall provide for these conditions.

Vitality Care Commissioning Pty Ltd and its representatives appear to be conducting their negotiations by applying pressure, causing alarm amongst and generally supplying misinformation to members of the Mossman District Nursing Home Inc. Committee in an effort to bring pressure to bear upon councillors to soften their approach to the negotiations in respect of the contract.

This behaviour is not only unsettling for all involved but unproductive in terms of attempting to reach a successful conclusion to the contractual negotiations.

While Council is very keen to successfully conclude negotiations for construction of nursing home facilities in Mossman, it should not compromise its obligations to properly protect the interests of the communities it serves.

It is suggested that Council requests that the company desist from seeking to have Councillors pressured by third parties, particularly members of the Nursing Home Committee.



Moved: Cr Berwick

Seconded: Cr Egan

"That:

(a) Council write to Vitality Care Commissioning Pty Ltd in terms of the advice provided by General Manager Community & Corporate;

(b) Council indicate to Vitality Care their requirement that the company deal directly with Council, and desist from involving third parties, and that Council is more than willing to seek an appropriate outcome as soon as possible".

Carried unanimously

06/0205/17e CARNIVALE BIKE RACE

Moved: Cr Cox

Seconded: Cr Davis

"That Council delegate the decision regarding the route of the Carnivale bike race to the General Manager Engineering and Division 2 councillors."

Carried unanimously

RESUMPTION OF STANDING ORDERS

Moved: Cr Berwick

Seconded: Cr Cox

06/0205/17f *"That standing orders be resumed."*

Carried unanimously

NOTICES OF MOTION

Cr Berwick advised there may be a perceived conflict of interest in the following matter. He stated that donations have all been below the threshold **there is no material personal and there was no canvassing before the election on this issue**, and that **I believe** as public interest is number one he would remain in the meeting to participate in all discussions and vote.

06/0205/18 REPEAL OF MOTION

Moved: Cr Davis

Seconded: Cr Cox

"That Council repeal the resolution made at the ordinary meeting held on 18 April 2006 which reads:

'That Council adopts the recommendation regarding public liability risk exposure and the ramp be closed.'"



With the agreement of the mover and the seconder the motion was left on the table awaiting a response from Council's solicitors.

06/0205/19 REFERRAL OF COMPLAINTS TO THIRD PARTY

Moved: Cr Sciacca

Seconded: Cr Bellerio

"That before general managers or the Chief Executive Officer refer complaints to third party agencies, a report be provided to Council for consideration."

With the agreement of the mover and the seconder the motion was left on the table to allow the Chief Executive Officer and general managers to prepare a draft policy.

06/0205/20 EPA NOISE CONTROL – USE OF GENERATORS

Moved: Cr Sciacca

Seconded: Cr Pitt

"That Council develop an information paper for residents north of the Daintree River detailing the requirements of the Environmental Protection Act in terms of the control of noise produced by petrol and diesel generators."

For: Crs Davis, Sciacca, Bellerio, Pitt, and Egan

Against: Crs Cox, Berwick

Carried

06/0205/21 SEALING OF UNSEALED ROADS

Moved: Cr Sciacca

Seconded: Cr Bellerio

"That Council give consideration in the 2006/2007 budget for the sealing of the following roads:

(a) Whyanbeel Road extend current bitumen by 1 km;

(b) Kingston Road 1 km;

(c) O'Donoghue Road 1 km;

(d) Buchanan Road extend current bitumen by 1 km."

For: Crs Sciacca, Bellerio, and Pitt

Against: Crs Cox, Berwick, Davis, and Egan

Lost

It was resolved that the General Manager Engineering will deliver a briefing session on the criteria used in prioritising road construction.



EXTENSION OF MEETING

Moved: Cr Berwick

Seconded: Cr Cox

06/0205/21a *"That the meeting be extended by 30 minutes."*

Carried unanimously

06/0205/22 **DIWAN SES COMPLEX**

Moved: Cr Sciacca

Seconded: Cr Bellerio

"That Council staff cost and bring back for consideration for the 2006/2007 budget the following options:

(a) The Diwan SES building be upgraded eg tiled floors, kitchen, ceiling fans, lights, lined walls and ceiling and painted

(b) A demountable with the same facilities be purchased

(c) The SES members in conjunction with the Rural Fire Service investigate if the SES Rural Fire Service can work together as one structure using the current Rural Fire Service building

(d) Add lockable extension to the current SES building for the exclusive use of SES members

(e) Build a 2 bay new SES structure"

For: Crs Sciacca, Bellerio, Berwick, Egan, Cox, and Pitt

Against: Cr Davis

Carried

06/0205/23 **WOOBADA CROSSING**

Moved: Cr Sciacca

Seconded: Cr Bellerio

"That Council give consideration to the construction of a single lane concrete bridge at the Woobada Crossing in the 2006/2007 budget deliberations in conjunction with funding from the Roads of Regional Significance (grouping)."

For: Crs Sciacca, Bellerio, and Pitt

Against: Crs Berwick, Cox, Davis, and Egan

Lost



PRIORITY ISSUES

Moved: Cr Berwick

Seconded: Cr Davis

06/0205/23a *"That standing orders be suspended to deal with items 06/0205/32 and 06/0205/33."*

For: Crs Berwick, Davis, Egan, Cox, and Pitt

Against: Crs Sciacca, Bellerio

Carried

06/0205/32 JOB SPECIFICATIONS

Moved: Cr Berwick

Seconded: Cr Egan

"That Council note the progress on the development of job specifications for all employees and confirms the job specification for the position of Chief Executive Officer, subject to this specification and those of the General Managers being reviewed in consultation with David Spearitt, to allow the further development of relevant and measurable Key Performance Indicators (KPI's)."

Carried unanimously

06/0205/33 CONFIDENTIAL ITEM – CONSTRUCTION OF TOILET BLOCK

Moved: Cr Berwick

"That we agree to share our legal advice."

The motion was withdrawn.

CLOSURE OF THE MEETING TO THE PUBLIC

Moved: Cr Egan

Seconded: Cr Bellerio

06/0205/33(i) *"That the meeting be closed to the public pursuant to Section 463(1)(h) of the Local Government Act 1993 for discussions regarding the construction of a toilet block at Daintree River."*

Carried unanimously

REOPENING OF MEETING

The meeting re-opened.



Moved: Cr Bellerio

Seconded: Cr Sciacca

06/0205/33(ii) *"That if legal advice is obtained that the construction is legal, Council proceed with completion of the toilet block."*

For: Crs Bellerio, Sciacca, Egan, and Pitt

Against: Crs Davis, Cox, and Berwick

Carried

RESUMPTION OF STANDING ORDERS

Moved: Cr Berwick

Seconded: Cr Cox

06/0205/33(iii) *"That standing orders be resumed."*

Carried unanimously

06/0205/24 NEWELL BEACH TOILETS

Moved: Cr Sciacca

Seconded: Cr Cox

"That internal and external painting of the toilets at Newell Beach, located on the foreshore in front of the shop and caravan park, be considered during the 2006/2007 budget deliberations."

Carried unanimously

06/0205/25 BUS SHELTER – DAINTREE CAPE TRIBULATION ROAD

Moved: Cr Sciacca

Seconded: Cr Pitt

"That Council consider a bus shelter be erected on the Daintree Road situated on the eastern side of Harlow residence (approx 1.5 km north of the Daintree/Cape Tribulation turn off)."

Carried unanimously

06/0205/26 CYCLONE PREPARATIONS

Moved: Cr Davis

Seconded: Cr Berwick

"That Lloyd Nolan's Disaster Management Plan address the following issues:

- a) *building site preparation failures;*
- b) *communication;*



- c) *private property safety preparation, including the possible need to reintroduce the annual cyclone clean-up; and*
- d) *tidal inundation issues, to source what information is available as to the reason for Larry's low surge."*

For: Crs Davis, Berwick, Egan, Cox

Against: Crs Bellerio, Sciacca, and Pitt

Carried

06/0205/27 REAL ESTATE SIGNS ON PUBLIC LAND

Moved: Cr Davis

Seconded: Cr Cox

"That Council remind all estate agents that their signs are not allowed on public land."

Carried unanimously

06/0205/28 POWER MUST GO UNDERGROUND

Moved: Cr Davis

Seconded: Cr Cox

"That the DSC lobbies Ergon, the state ministers for energy, emergency services and local government, together with our local member, to urge cyclone prone power supplies be progressively transferred underground, especially in the aftermath of Larry, where much of the storm impact is weighted by the local economy's inability to quickly recover because of extended power supply failures."

Carried unanimously

06/0205/29 BUS SERVICES

Moved: Cr Davis

Seconded: Cr Cox

"That Council request local bus companies to advise on their willingness to enter into a tender process and to provide suggestions for better-tendered public bus services."

With the agreement of the mover and the seconder, the motion was withdrawn.

Moved: Cr Berwick

Seconded: Cr Davis

"That Crs Davis, Berwick and any other councillors be authorised to meet with local bus operators to determine options for more cost effective public transport."

Carried unanimously



06/0205/30 SABAYA'S UNAPPROVED SIGN

Moved: Cr Davis

Seconded: Cr Cox

"That Council make complaint to the Queensland government for approving the Sabaya sales sign."

For: Crs Davis, Cox, Berwick, Egan, and Pitt

Against: Crs Bellerio, Sciacca

Carried

WITHDRAWAL

The Mayor withdrew from the meeting at 4:10 pm and Cr Egan assumed the chair.

EXTENSION OF MEETING

Moved: Cr Bellerio

Seconded: Cr Sciacca

06/0205/30a *"That the meeting be extended by a further 15 minutes."*

For: Crs Bellerio, Sciacca, Davis, Egan, and Pitt

Against: Cr Cox

Carried

06/0205/31 ILLEGAL SIGNAGE CLAMP DOWN

Moved: Cr Davis

Seconded: Cr Cox

"That the DSC advises the community in advance that it will be clamping down on illegal signage."

For: Crs Davis, Cox, Egan, Pitt, and Sciacca

Against: Cr Bellerio

Carried

REPORTS – CHIEF EXECUTIVE OFFICER

06/0205/32 JOB SPECIFICATIONS

Dealt with after item 06/0205/23.



06/0205/33 CONFIDENTIAL ITEM – CONSTRUCTION OF TOILET BLOCK

Dealt with following the above item, after item 06/0205/23.

LETTER SENT RE NORTH OF THE RIVER

A letter was tabled by Manager Planning, dated 19 April 2006, which has been distributed to approximately 1,800 submitters in response to submissions on the Draft Planning Scheme.

CLOSE OF MEETING

The meeting terminated at 4:24 pm.

Presented to and confirmed by Council on the *sixteenth* day of *May* 2006.

M P Berwick
Chair